

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
3
4 UNITED STATES OF AMERICA,
5
6 Plaintiff,
7
8 OSAGE MINERALS COUNCIL,
9
10 Intervenor-Plaintiff
11
12 vs. No. 14-CV-704-GFK-JFJ
13
14 OSAGE WIND, LLC; ENEL KANSAS, LLC; and ENEL GREEN POWER
15 NORTH AMERICA, INC.,
16
17 Defendants.

18 _____
19 **REMOTE VIDEO DEPOSITION OF EVERETT WALLER**

20 TAKEN ON BEHALF OF THE DEFENDANTS
21 ON AUGUST 5, 2021, BEGINNING AT 10:07 A.M.
22 TAKEN VIA ZOOM
23 REPORTED BY MIKE WASHKOWIAK, CCR

24 APPEARANCES:

25 Via Zoom on behalf of the PLAINTIFF

 Stuart Ashworth
 UNITED STATES ATTORNEY'S OFFICE
 110 West 7th Street, Suite 300
 Tulsa, Oklahoma 74119
 918-382-2700
 stuart.ashworth@usdoj.gov

 Via Zoom on behalf of the INTERVENOR-PLAINTIFF

 Wilson Pipestem
 PIPESTEM & NAGLE, P.C.
 401 South Boston Avenue, Suite 2200
 Tulsa, Oklahoma 74103
 918-936-4705
 wkpipestem@pipestemlaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Via Zoom On behalf of the INTERVENOR-PLAINTIFF

Abi Fain
PIPESTEM & NAGLE, P.C.
401 South Boston Avenue, Suite 2200
Tulsa, Oklahoma 74103
918-936-4705
afain@pipestemlaw.com

Via Zoom on behalf of the DEFENDANTS

Thomas J. McCormack
NORTON ROSE FULBRIGHT
1301 Avenue of the Americas
New York, New York 10019
212-318-3000
thomas.mccormack@nortonrosefulbright.com

Via Zoom on behalf of the DEFENDANTS

Robert Kirby
NORTON ROSE FULBRIGHT
1301 Avenue of the Americas
New York, New York 10019
212-318-3000
robert.kirby@nortonrosefulbright.com

Also present: (all via Zoom) Cathryn McClanahan, US
Attorney's Office; Charles Babst, US Attorney's Office;
Michelle Hammock, Christina Watson

Virtual Videographer: Gabe Pack

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Page

Direct Examination by MR. McCORMACK 5

EXHIBITS

Number	Description	Page
155	Testimony of OMC - Waller	21
156	Interview with Chairman Waller	37
157	news article from July 2014	40
158	OMC candidate interview, Waller	61
159	Constitution of the Osage Nation	99
160	First Amended Complaint	117
161	Osage Nation letter to Enel	146
162	Enel letter to Standing Bear,	159
	Redcorn and Waller	
163	OMC response letter to Enel	160
164	OMC minutes from November 2015	174
165	OMC minutes from August 2015	175

STIPULATIONS

It is stipulated that the deposition of EVERETT WALLER may be taken pursuant to agreement and in accordance with the Federal Rules of Civil Procedure on AUGUST 5, 2021, before Mike Washkowiak, CCR.

1 Q All right. So is it fair to say that at least
2 in this article you're saying you don't have a generalized
3 opposition to alternate energy or anything of the fact; is
4 that fair?

5 A And I don't.

6 Q All right. But what you say is the site is the
7 problem. What do you mean by the site in this time frame
8 July of 2014?

9 A If we had had consideration --

10 MR. PIPESTEM: Objection. I'm going to direct
11 the witness not to answer the question as it releases
12 specific facts of this case. That was a time before this
13 litigation was initiated, and the Court has ruled that
14 testimony irrelevant. So I'm instructing the witness not
15 to answer that question.

16 Q (BY MR. McCORMACK) All right. Let me ask this
17 question, which is I think you just said you don't have a
18 problem with alternate energy; is that fair?

19 A Yes.

20 Q All right. But what you have, at least
21 theoretically then and today, is a problem with the
22 location of alternate energy; is that fair?

23 MR. PIPESTEM: Objection. To the extent that
24 question involves a statement of facts related to the time
25 period before this litigation was initiated, which that

1 being paid to the Osage Nation; is that fair?

2 MR. PIPESTEM: Objection. Compound question.

3 Please answer if you know.

4 A It would only be at the request to the Bureau of
5 Indian Affairs that would deliver us that exact number.

6 Q (BY MR. McCORMACK) Well, do you know if any
7 proposed oil drilling or exploration on the 8400 acres is
8 not proceeding because of the existence of the wind farm
9 on the property?

10 A I do not.

11 Q You recognize that, and I know that we walked
12 through this earlier today, and I was appreciative of your
13 patience with me, that your knowledge of what's been going
14 on at the OMC really goes back to 2010 before you were
15 actually on the council, and you know there was a lawsuit
16 brought by the OMC to try to stop the development of the
17 wind farm on the theory that it would interfere with the
18 development of oil and gas, right?

19 MR. PIPESTEM: Objection. I'm instructing the
20 witness not to answer. This involves facts pre-existing
21 the filing of this lawsuit, so I'm instructing the witness
22 not to answer.

23 Q (BY MR. McCORMACK) You understand that the
24 District Court, federal court here in this case, ruled
25 that in fact the wind farm did not interfere in the

1 THE VIDEOGRAPHER: We're back on the record at
2 12:30 p.m.

3 MR. McCORMACK: Do me a favor, and I apologize
4 to everybody, could you read me back the last Q & A?

5 (Last question and answer read back)

6 Q (BY MR. McCORMACK) So you have, obviously the
7 lawsuit was filed in November 2014. There were efforts
8 made at that time for an injunction. All of those
9 pleadings postdated the filing by physical mean, and
10 you've read those. You've read those materials,
11 Mr. Waller?

12 A Yes.

13 Q All right. And you saw the decision of the
14 Court that came in the early part of this case that
15 precluded any injunctive -- withdrawn.

16 You've seen the history of the case since that
17 time?

18 A To date, yes.

19 Q Yes, sir. And I know we'll get into the minutes
20 in a while here, and that comes up periodically at the
21 Osage Minerals Council's meetings; is that fair?

22 A It should.

23 Q Yes, indeed. Let me ask you, going back to what
24 I think was marked as 158, which is your candidate
25 interview in 2018, we talked about what you meant by the

1 best oilfield, and I think we've walked through that
2 pretty comprehensively. I asked you -- I know I asked you
3 previously whether you personally opposed the development
4 of renewable energy projects such as wind farms in Osage
5 County, and I think we have the answer to that question on
6 the record.

7 My question is have you spoken to others in the
8 Osage Minerals Council on that subject matter, that is,
9 whether they generally oppose the development of renewable
10 energy projects such as wind farms anywhere in Osage
11 County?

12 MR. PIPESTEM: Objection. To the extent that
13 requires answers that occurred prior to the filing of this
14 lawsuit, I'm instructing the witness not to answer.

15 Q (BY MR. McCORMACK) That was seven years ago, so
16 I'm assuming there must be some conversations in that time
17 frame, but I'll leave it to you, Mr. Waller?

18 A There was a council directive.

19 Q There was a council directive?

20 A Yes, a consensus.

21 Q What was the council directive and consensus?

22 A To find some relief.

23 Q To find some relief from what?

24 MR. PIPESTEM: Objection. We're getting into
25 privileged communications regarding this lawsuit, so I'm

1 instructing the witness not to answer.

2 MR. McCORMACK: You didn't even get close to
3 establishing that. I was talking about his communications
4 with other Osage Council -- Osage Minerals Council members
5 about their generalized approach to renewable energy in
6 Osage County. I don't see where that gets into privilege.
7 So if you're going to instruct him not to answer that, go
8 ahead and do it, but I'm going to keep asking questions on
9 that until we can get established some of that is somehow
10 privileged.

11 Q (BY MR. McCORMACK) Let me ask this question.
12 You said that you were -- you had a directive. What was
13 the directive that you discussed with members of the Osage
14 Minerals Council?

15 MR. PIPESTEM: Objection. To the extent that
16 involves privileged communications between Minerals
17 Council members, possibly and likely with legal counsel
18 present, I'm instructing the witness not to answer the
19 question.

20 Q (BY MR. McCORMACK) I'm not asking about any
21 communications you may have had with your counsel present.
22 I'm extremely mindful of attorney-client privilege. I
23 believe in it very much. I'm asking about you about
24 communications that you had with members of the Osage
25 Minerals Council independent of and without your counsel

1 witness not to answer. To the extent that calls for
2 questions that preexist the filing of this lawsuit, then
3 the witness should not answer this question.

4 MR. McCORMACK: I'm going to break it in two,
5 then, because I want that instruction on the record.

6 Q (BY MR. McCORMACK) So to the extent you've had
7 conversations with the Osage Minerals Council prior to the
8 filing of this lawsuit on the subject of whether or not
9 the Osage Minerals Council should generally oppose the
10 development of renewable energy projects such as wind
11 farms anywhere in Osage County, please tell me what those
12 communications are?

13 MR. PIPESTEM: Objection. For the reasons I
14 stated earlier, the Court has ruled that that information
15 regarding communications prior to the filing of this
16 lawsuit are irrelevant and, therefore, based on that court
17 order, I'm instructing the witness not to answer.

18 Q (BY MR. McCORMACK) All right, now let me take
19 the next piece of that. Please tell me any communications
20 you've had with Osage Minerals Council members without
21 counsel present after December 1, 2014 in which the
22 subject matter is whether the Osage Minerals Council
23 should oppose the development of renewable energy projects
24 such as wind farms anywhere in Osage County?

25 MR. ASHWORTH: Object to the form.

1 Chief Standing Bear. There's no lawyers. I'm not talking
2 about lawyers.

3 MR. PIPESTEM: You did not -- first of all, if
4 you're asking me the question, then I'll answer it. You
5 did not limit the question to whether counsel was not
6 there. There's also the question of executive privilege
7 that we've raised repeatedly in this case. So you can set
8 aside your -- you can ask the question about the time
9 after the lawsuit, but it doesn't mean there aren't other
10 privileges or other limitations of what he can answer.

11 MR. McCORMACK: Okay. Let me try this.

12 Q (BY MR. McCORMACK) Have you ever had any
13 conversation about the future of renewable energy and wind
14 farms in Osage County, Oklahoma after December 1, 2014
15 with any person where your lawyers were not present? All
16 you've got to answer that question is yes or no.

17 A Yes, I have.

18 Q All right. Now answer the question of who did
19 you have those conversations with, and no other question?

20 A I have referred back to my chief.

21 Q All right. Did you have any conversations with
22 other members of the Osage Minerals Council on that
23 subject matter after December 1, 2014?

24 A Not without being our --

25 MR. PIPESTEM: Objection. I'm instructing the

1 witness not to answer that question to the extent that
2 legal counsel may have been present or there may have been
3 discussion of legal strategy in that conversation between
4 Minerals Counsel. So on that basis, I'm instructing the
5 witness not to answer to preserve privilege.

6 MR. McCORMACK: Yeah, well, I would disagree
7 with you on that. You've got to establish that there was
8 actually privileged communication that took place first.
9 I was very careful what I asked. I asked him whether he'd
10 had a conversation. I didn't ask him -- and who he had it
11 with. I didn't ask him what it was. You get to assert
12 privilege once you identify the basis of the privilege.
13 You've got to have a person and persons and you have a
14 legal issue. I'm not going to fight you --

15 MR. PIPESTEM: Counsel, if you leave the door
16 open to the communication with whoever might be there,
17 that could include attorneys, and so I'm going to instruct
18 the witness not to violate the privilege in that
19 circumstance.

20 MR. McCORMACK: You have to identify the
21 attorney to establish the privilege. I'm not asking what
22 he said. This is identifying the communication. I
23 haven't asked substantively anything about what was said.
24 You can't assert a privilege unless you establish the
25 elements of privilege. You've got to have a lawyer,

1 subject to in terms of possible objection by the Office of
2 the Principal Chief. I'm just trying to find out if that
3 as a practical matter is something that is understood by
4 the Osage Minerals Council and the Office of Principal
5 Chief based upon your observations and knowledge?

6 A Speaking on behalf as the chairman, yes, I'm
7 aware of it.

8 Q Right. That's all I was trying to find out. So
9 as a practical matter, look, organizations have rules, and
10 I'm just trying to figure -- and practicalities. So what
11 I'm trying to figure out, and maybe you answered the
12 question, Mr. Waller, from what you told me earlier today,
13 which is from 2010 you were really the representative, if
14 you will, of the chief at that time to the Osage Minerals
15 Council. I presume because the chief understands that it
16 does have this objection right, is that one of the reasons
17 why you understood you were you doing that job for the
18 prior chief?

19 MR. PIPESTEM: Objection. I'm instructing the
20 witness not to answer on any matter prior to the filing of
21 this litigation, including at the time from 2010 until the
22 time this case was filed.

23 MR. McCORMACK: I can't stop you from doing
24 that, but you are overreading the judge's orders. You
25 seem to think that anything that happened before the date

1 of this Complaint is off-limits, and the issue is whether
2 or not the bad faith of the Osage Nation and Osage
3 Minerals Council, I understand that that's what the Court
4 dealt with. But out of good faith, and it's certainly not
5 off the table and these questions have been asked of
6 multiple witnesses, our witnesses and other witnesses, and
7 no one has instructed that the date of the Complaint is
8 some wall that nobody can go past. I really disagree with
9 that. If you're going to continue to instruct to do it,
10 there's nothing I can do about that, but you do so at your
11 own peril.

12 Q (BY MR. McCORMACK) I'm going to ask the
13 question again. Did you understand in 2010 when you were
14 working on behalf of the chief at that time that one of
15 your jobs was to inform the chief so that he could
16 properly exercise his authority constitutionally under
17 Article 15?

18 MR. PIPESTEM: Objection. I'm instructing the
19 witness not to answer the question for the reasons I've
20 given before.

21 MR. McCORMACK: Okay, I want to get that on the
22 record. Is your view that anything that happened before
23 the date of this Complaint is off-limits for this witness?

24 MR. PIPESTEM: I'll let you interpret the
25 Court's order any way you want to. I think your

1 interpretation is wrong.

2 MR. McCORMACK: I'm not asking that. I'm asking
3 what your instruction is so that I don't waste a lot of
4 time in this deposition. If your view is that anything
5 that happened prior to the date of the lawsuit,
6 November 2014, is not something I can ask about, then
7 please state that on the record so I understand exactly
8 where you're coming from.

9 MR. PIPESTEM: I have restated it over and over
10 and over again. I don't know how much more clear I can be
11 about it. I have stated that over and over again.

12 MR. McCORMACK: Okay, I got it. So you're
13 saying that this witness will not be allowed to answer any
14 questions having to do with any subject matter prior to
15 the date of this lawsuit in November of 2014?

16 MR. PIPESTEM: Related to this lawsuit, that's
17 right. You asked him questions about -- a number of
18 questions about his educational background, his employment
19 history. Of course I allowed those questions. But
20 consistent with the Court's orders, you are not permitted
21 to ask irrelevant questions when there is a court order
22 that has determined that that's the case.

23 MR. McCORMACK: The power of the Constitution of
24 the Osage Minerals Council and the Office of the Principal
25 Chief is in and of itself distinct from anything going on

1 Q All right, okay. I know I was going to ask you
2 this question, too, which is on the remedy side of this.

3 A Yes.

4 Q I know we've talked about and we saw it earlier
5 in some of the interviews that you gave, and I know that
6 the judge in this case when he issued the order denying
7 the injunction relative to the original lawsuit mentioned
8 both federal and Oklahoma state public policies in favor
9 of renewables. How do those public policies, that of the
10 federal government and the state of Oklahoma, factor into
11 your thinking about remedies in this case, if they do?

12 A If I had a company who came to me and asked me
13 to go to my federal team to develop some project in my
14 Osage Reservation that I felt comfortable with and
15 directed by my council, I think it would be a great
16 partnership. I'm going to be dealing with them anyway.

17 Q Well, let me ask you this. I know, and again,
18 we can walk through all these minutes because I've seen
19 them, but we know that in 2013 when the first
20 communications were made with my client about --

21 A Yes.

22 Q -- whether or not there was a mineral element to
23 this, that the BIA struggled with whether there actually
24 was and said that they were struggling with whether there
25 was. Do you remember that part of this?

1 MR. PIPESTEM: Objection. I'm instructing the
2 witness not to answer the question. It involves a -- you
3 cited something in 2013 prior to bringing this litigation.
4 I'm instructing the witness not to answer.

5 MR. McCORMACK: Well, this, I think, goes to my
6 client's good faith, not the Osage Nation's purported bad
7 faith.

8 Q (BY MR. McCORMACK) And that is in 2013 you
9 understood that the BIA wasn't sure whether or not there
10 was a minerals component to what the wind farm was doing.
11 Is that fair from your observations of what was going on
12 at that time?

13 MR. PIPESTEM: Again, I'm going to instruct the
14 witness not to answer. I'm objecting not only on the
15 basis of -- well, the Court has ordered that that
16 information is not relevant to this case. So again, I'm
17 instructing Chairman Waller not to answer the question.

18 MR. McCORMACK: And I'm going to make my record
19 clear, too. I'm talking about my client's good faith, and
20 you have been doing an immense amount of discovery on that
21 subject matter. That goes -- and our regulatory person
22 was inquired about everything that went back to 2011
23 because that goes to my client's good faith, and I'm
24 entitled to inquire about my client's good faith. I'm not
25 doing anything about any alleged bad faith. I'm asking

1 Mr. Waller, who was familiar with all the issues at the
2 time, whether or not there was a struggle even within the
3 BIA in 2013 as to whether or not mineral rights would be
4 implicated by this wind farm. Is that a fair question?

5 MR. PIPESTEM: Objection. I'm instructing the
6 witness not to answer for the reasons of irrelevance based
7 on the Court's order.

8 MR. McCORMACK: All right, and I'm going to keep
9 asking the questions because I find that instruction
10 inappropriate.

11 Q (BY MR. McCORMACK) I know that there are --
12 there are minutes in which the BIA Superintendent Phillips
13 comes and discusses these issues. Do you remember that
14 issue, that is, whether or not the BIA was having
15 difficulty deciding whether or not there was a mineral
16 element to this wind farm?

17 MR. PIPESTEM: Objection. For the reasons
18 stated before, I'm instructing the witness not to answer
19 the question.

20 Q (BY MR. McCORMACK) Do you understand why my
21 client might have in good faith concluded that there was
22 not a mineral element to the building of this facility?

23 MR. PIPESTEM: Objection. For the same reasons
24 stated, I'm instructing the witness not to answer.

25 MR. McCORMACK: I find that incredible, but I'm

1 going to keep asking the question and we'll let the Court
2 decide.

3 MR. PIPESTEM: Absolutely.

4 Q (BY MR. McCORMACK) Do you understand why it is
5 my client might have in good faith believed that there was
6 not a mineral consequence to the development of the wind
7 farm on the 8400 acres?

8 MR. PIPESTEM: Objection. For the reasons
9 stated repeatedly in this deposition, I'm instructing the
10 witness not to answer the question.

11 Q (BY MR. McCORMACK) Was there a doubt in your
12 mind, Mr. Waller, at any time in the 2013-2014 period as
13 to whether or not there was a mineral aspect to the
14 project that my client was engaged in on the 8400 acres?

15 MR. PIPESTEM: Objection. For the reasons
16 stated, I'm instructing the witness not to answer the
17 question.

18 Q (BY MR. McCORMACK) Did you have discussions
19 with other members of the Osage Minerals Council in the
20 2013-2014 period as to whether or not there was indeed a
21 minerals element to the construction project that Osage
22 Wind was building on the 8400 acres?

23 MR. PIPESTEM: Objection. I'm instructing the
24 witness not to answer the question on the basis of
25 relevance as determined by the Court and because of

1 privilege.

2 Q (BY MR. McCORMACK) Well, it's now 2021 and
3 we're here talking about this lawsuit, and on any basis
4 between 2014, the date that the lawsuit began, and today,
5 have you at least considered the prospect that my client
6 was acting in good faith when it concluded it did not have
7 a mineral element to the construction of the wind farm on
8 the 8400 acres?

9 MR. PIPESTEM: For the reasons stated, I'm
10 objecting on the basis of relevance as determined by the
11 Court. I'm instructing the witness not to answer.

12 MR. McCORMACK: I made that question from the
13 period, although I disagree 100 percent with what you're
14 doing here --

15 MR. PIPESTEM: That's okay. You can do that all
16 day. We're going to go through this process. That's
17 what --

18 MR. McCORMACK: I understand.

19 MR. PIPESTEM: So your commentary is unwelcome.
20 If you want me to answer a question, I will.

21 MR. McCORMACK: I was just going to say that
22 that last question was couched in the way that your
23 objection would not be applicable, which was from two
24 thousand -- from December of 2014 to today. So now you're
25 going to instruct him not to answer in that period too?

1 don't mind. I'm going to switch to another subject
2 matter. Is that good?

3 MR. PIPESTEM: Chairman Waller, would a break
4 okay with you?

5 THE WITNESS: How long?

6 THE VIDEOGRAPHER: We're off the record at
7 2:42 p.m.

8 (BREAK FROM 2:42 TO 2:54)

9 THE VIDEOGRAPHER: Back on the record at
10 2:54 p.m.

11 Q (BY MR. McCORMACK) Welcome back, Mr. Waller.
12 Just quickly, and I have spoken to counsel for the OMC in
13 the break, and the next section of this deposition was
14 intending to walk through relevant OMC minutes and events
15 that led up to the dispute and then ultimately resulted in
16 a lawsuit filed on November 21, 2014, which is the lawsuit
17 that we're in currently. In light of the -- in light of
18 the position taken by counsel for the OMC that he is not
19 going to allow any questions on these subject matters to
20 be answered in the timeframe prior to November 21, 2014, I
21 said that I would simply preserve my objection to that
22 instruction and pick up on November 21, 2014, with a full
23 reservation of rights, so that's what I'm going to do.
24 MR. McCORMACK: Counsel, I'm happy to have any
25 additional statements you may wish to make on the record

1 at this point.

2 MR. PIPESTEM: Okay. Yes, I'm going to instruct
3 the witness not to answer on any matters deemed irrelevant
4 by the Court. I'm also going to instruct the witness not
5 to answer any questions that would violate the
6 attorney-client privilege or any other privilege,
7 including the common interest privilege with the United
8 States.

9 What I would recommend is that if you want to
10 ask each question because I may have objections to the
11 question based on form, the government may have objections
12 based on the question for other reasons. But if we need
13 to get that on the record and you want do that, certainly
14 we're glad to do that.

15 MR. McCORMACK: Okay, thank you, Counsel. To me
16 I think it was just important to understand that I had
17 intended to ask this witness as the chairman of the Osage
18 Minerals Council and as someone who this morning I was
19 able to demonstrate was familiar with the processes of the
20 Osage Minerals Council from 2010 forward, I was planned
21 ask him a series of questions relevant to that timeframe,
22 but we've all agreed that I'm not going to get any answers
23 today.

24 And so I appreciate, Counsel, your statement,
25 and I understand that if you have additional objections

1 you'll make them. But again I'll just say for the record
2 I reserve my rights relative to all the instructions that
3 stopped my inquiry from anything that happened prior to
4 November 21, 2014. With that, let's set sail on this next
5 section.

6 Q (BY MR. McCORMACK) Let me ask you quickly to
7 look at what I have marked as or I will mark as
8 Exhibit 161, which is, for the concierge, under tab 75.
9 It is a letter dated, ironically, November 21, 2014 from
10 the Osage Nation to Enel Green Power North America. Let
11 me ask you, Mr. Waller, have you seen this letter before?

12 (WHEREUPON, Exhibit 161 was marked for
13 identification.)

14 A Yes.

15 Q Did you have any role in preparing the letter?

16 A No.

17 Q All right. By this time, I believe you were
18 chair of the OMC, correct, November of 2014?

19 A Yes.

20 Q This was one of those issues I talked to you
21 about previously when I was looking at the Osage Nation
22 Constitution, which was where did the authority of the
23 Osage Minerals Council stop and where did the authority of
24 the principal chief begin. And I think you told me that
25 the principal chief did have the right to speak on behalf

1 on issues that implicate the Osage Minerals Council
2 without the chairman of the Osage Minerals Council knowing
3 about it?

4 A This is a letter from the assistant chief. I
5 cannot deliver the answer to that.

6 Q Well, he saying he's acting principal chief.
7 That's how he signed it. So would that -- would that help
8 you answer the prior question?

9 A I did not direct the executive side.

10 Q All right. I think what I've learned is that
11 you learned about this letter probably about the same time
12 my client did, when you received a copy of it; is that
13 fair?

14 A Yes.

15 Q Did you have a conversation with Raymond Redcorn
16 or anybody else from the principal chief's office about
17 this letter?

18 MR. PIPESTEM: Objection. I'm going to instruct
19 the witness not to answer on the basis of privilege,
20 relevance.

21 MR. McCORMACK: I don't get the privilege
22 question. Well, it doesn't matter what I think. I'm
23 asking -- in privilege you have to set up a basis for
24 privilege before you just assert the privilege.

25 Q (BY MR. McCORMACK) Well, let me ask you this.

1 preferred to resolve it through litigation?

2 A We were already in litigation.

3 Q Understood. And this is a letter seeking to
4 maybe have a dialogue, and your response to it was no, or
5 not interested at this time, or let's see where the
6 litigation goes? What was your reaction to this opening,
7 if you will?

8 A As chairman I was in litigation. I cannot speak
9 on behalf of the chief or assistant.

10 Q All right. Let me show you the next item, which
11 I'll mark as, I think, 163 which is under tab 29. This is
12 a letter from you dated May 26, 2015.

13 (WHEREUPON, Exhibit 163 was marked for
14 identification.)

15 A Yes.

16 Q To Enel Green Power. You've seen this letter
17 before, right?

18 A Yes.

19 Q All right. You see you write back and you say
20 we received your letter, and then you say "The Osage
21 Minerals Council is not interested in meeting with
22 representatives of Enel at this time." Do you see that?

23 A Yes.

24 Q Why not?

25 A I take direction --

1 MR. PIPESTEM: Objection. The basis for that is
2 subject to attorney-client privilege. Communications
3 between attorney and the client, the Minerals Council at
4 the time, went into litigation strategy. So I'm
5 instructing the witness not to answer the question.

6 MR. McCORMACK: That's a bold move, Counsel.
7 You just took over the question and decided it was
8 privileged, so let me --

9 MR. PIPESTEM: This is in the middle of
10 litigation, as you recall, Counsel. That's not that bold.
11 That's sort of, as you described earlier, sort of a
12 rational, easy response to this when you're asking about
13 what they're thinking about in the middle of litigation
14 when it mentions -- the letter mentions litigation on its
15 face.

16 MR. McCORMACK: When counsel appears on the
17 scene, I will stand back to privilege, but we haven't
18 established that yet. The question I asked Mr. Waller
19 is -- maybe in fairness to your objection, I'll try that.

20 Q (BY MR. McCORMACK) Which is prior to responding
21 to this letter -- excuse me. Prior to responding to the
22 Enel letter, did you have communications with your
23 counsel? You can answer that question yes or no.

24 A Yes.

25 Q All right. And after those communications with

1 counsel this letter came, is that a fair description?

2 A Yes.

3 Q All right. Independent of your counsel without
4 regard to anything your counsel may have said to you, if
5 that's possible, did you personally decide that this was
6 not a good time to have a conversation with the folks at
7 Enel?

8 MR. PIPESTEM: Objection. That is a -- the
9 Chairman Everett Waller serves as the chairman of the
10 Osage Minerals Council, so his thoughts and deliberations
11 are subject to -- this is all in preparation for
12 litigation, so I'm instructing the witness not to answer.

13 MR. McCORMACK: I asked -- I asked him
14 specifically whether or not he had a thought independent
15 of his counsel and in his personal capacity, which none of
16 those would implicate the privilege. I'm going to stand
17 with that question.

18 Q (BY MR. McCORMACK) Independent of your counsel
19 and in your personal capacity, did you have a reaction to
20 whether or not this was a good time to be speaking to
21 Enel?

22 MR. PIPESTEM: Objection. For the reasons I
23 stated before, this is subject to privilege, and so I'm
24 instructing the witness not to answer the question.

25 Q (BY MR. McCORMACK) Did you have any thoughts

1 independent of your counsel?

2 MR. PIPESTEM: Objection for the same reasons I

3 stated.

4 MR. McCORMACK: How can you possibly say that
5 that's privileged, whether he had thoughts independent of
6 his counsel and you're saying that's privilege?

7 MR. PIPESTEM: Chairman Waller serves as the
8 chairman of the Osage Minerals Council.

9 MR. McCORMACK: Who cares? I'm asking him his
10 personal opinion without any lawyers.

11 MR. PIPESTEM: I care. I care.

12 MR. McCORMACK: I understand that.

13 MR. PIPESTEM: I care.

14 MR. McCORMACK: But I'm talking about the
15 technical point. Of course you care. My point is how can
16 you instruct a witness not to answer a question when I've
17 asked him independent of the advice he was getting from
18 counsel in his own personal opinion if he had a view?
19 What's privileged about that?

20 MR. PIPESTEM: It's related to litigation
21 involving the Osage Minerals Council where he's an
22 official, so that is a part of the deliberation they have,
23 each one of them, and then as a body, so that is
24 privileged. And so I'm instructing him not to answer the
25 question. Furthermore, I'm objecting on the basis of

1 relevance as instructed by the Court.

2 MR. McCORMACK: I've stumbled into a funny place
3 with you guys.

4 MR. PIPESTEM: I don't know -- well, I don't
5 want to argue with you, but I suggest you read not only
6 the court orders but your own filings here.

7 MR. McCORMACK: I understand. I understand all
8 that. My point is I know privilege quite well, and you're
9 instructing to answer things that I'm not asking about
10 privilege, and you're doing it promiscuously, but I can't
11 stop you from doing it.

12 MR. PIPESTEM: I respectfully disagree with you,
13 Counsel.

14 MR. McCORMACK: I understand. I understand. We
15 both have jobs to do.

16 Q (BY MR. McCORMACK) Anyway, since I can't ask
17 you about your personal opinions that you derived from
18 your own thinking and not your lawyer's, let me move on to
19 something else.

20 You say in the next sentence, "In addition, your
21 letter was addressed to Chief Geoffrey Standing Bear and
22 Assistant Chief Raymond Redcorn. Any future
23 correspondence regarding proposed wind energy projects in
24 Osage County should be directed to Osage Minerals Council
25 only." Why did you tell them that?

1 A I'm in --

2 MR. PIPESTEM: Objection. I'm instructing the
3 witness not to answer the question. This document was
4 written and signed by Chairman Waller in his capacity as
5 chairman of the Osage Minerals Council. The basis for
6 this communication is subject to a deliberative privilege
7 and the discussion among Minerals Council members, so I'm
8 instructing him not to answer question.

9 MR. McCORMACK: You know this letter was sent to
10 my client. You understand that, right? There's no
11 confidentiality associated with the statements in the
12 letter. You understand that, don't you?

13 MR. PIPESTEM: I understand exactly what the
14 document is.

15 MR. McCORMACK: Okay. But I've now asked him
16 what he meant by something he said in a letter to my
17 client, and you're saying he can't answer that question
18 because it's privileged? Is that what your point is?

19 MR. PIPESTEM: You're asking him to expound on a
20 letter that was written in the context of litigation, so
21 that is right.

22 MR. McCORMACK: I'm asking him what he meant
23 when he sent my client, clearly not within the privilege,
24 a statement. I'm asking him what he meant, and you're
25 saying he can't answer it because even though he made the

1 for asking questions that are inappropriate.

2 MR. McCORMACK: Okay. Let me ask more questions
3 that you apparently think are inappropriate about what he
4 meant when he sent something my client, so let me keep
5 going and I'm going to draw as many instructions as you
6 decide are appropriate.

7 Q (BY MR. McCORMACK) I asked you pretty simply,
8 Mr. Waller, why you had told him that any future
9 correspondence regarding the proposed wind energy projects
10 in Osage County should be directed to the Osage Minerals
11 Council only, asking why you told them that. I'm going to
12 ask you that again, except I think I'm going to draw an
13 objection you're not allowed to answer that question.

14 MR. McCORMACK: Is that right, Counsel?

15 MR. PIPESTEM: That's correct, for the reasons I
16 stated before.

17 MR. McCORMACK: And that reason is because you
18 think that's privileged, correct?

19 MR. PIPESTEM: Yes, the deliberation that went
20 into this letter, it's privileged. Yes, it is.

21 Q (BY MR. McCORMACK) And then, "The Osage
22 Minerals Council is an independent agency charged with
23 preserving the Osage Mineral Estate and protecting the
24 income derived from the minerals estate. In administering
25 and developing the Osage Mineral Estate, the Osage

1 Minerals Council is responsible considering and approving
2 mineral leases and proposing other forms of development
3 within the minerals estate. Because wind energy projects
4 directly implicate and affect the minerals estate, wind
5 project-related correspondence should be directed to the
6 Osage Minerals Council only." Do you see that?

7 A Yes.

8 Q All right. So you're instructing my -- you're
9 telling my client that they should only deal with the
10 Osage Minerals Council, not -- not the Office of the
11 Principal Chief, correct?

12 A We're litigants at the time, so it's a directive
13 back to us.

14 Q I don't know what that means. You're telling my
15 client that they should deal with the Osage Minerals
16 Council and not with the office of the chief, correct?
17 That's what you were telling them?

18 MR. PIPESTEM: Objection. Asked and answered.

19 Q (BY MR. McCORMACK) You can answer the question.
20 Mr. Waller, you can answer the question.

21 A We are in a federal case with our trustee is why
22 I needed it directed back to us.

23 Q Well, at this time the Osage Minerals Council
24 was not in the case, correct?

25 MR. PIPESTEM: Objection. Calls for a legal

1 conclusion. And I'm going to instruct the witness not to
2 answer the question. Relations between the United States
3 as trustee and the Minerals Council as the trust
4 beneficiary of the Osage Nation when it comes to the Osage
5 Mineral Estate are privileged. So the state of the Osage
6 Minerals Council's place in this is --

7 MR. McCORMACK: Just let me get it straight,
8 Counsel. I asked him the question of whether at this time
9 the Osage Minerals Council was a party to this lawsuit,
10 and you've just instructed him not to answer that question
11 on privilege?

12 MR. PIPESTEM: That's not the question you
13 asked, Counsel.

14 MR. McCORMACK: Well, then, let me ask that
15 question.

16 Q (BY MR. McCORMACK) At this time was Osage
17 Minerals Council a party to this lawsuit?

18 A No.

19 Q All right. Why did you advise Enel that they
20 should only deal with the Osage Minerals Council relative
21 to the subject matter on a go-forward basis?

22 MR. PIPESTEM: Objection. I'm instructing the
23 witness not to answer because that question gets to
24 matters of privilege as counsel -- as attorney-client and
25 deliberative privilege. I'm instructing him not to

1 answer.

2 Q (BY MR. McCORMACK) Did you speak to your
3 counsel, yes or no, on the subject matter of whether or
4 not Enel should communicate only with the Osage Minerals
5 Council on a go-forward basis relative to the wind farm?

6 MR. PIPESTEM: Objection. You're asking him
7 specifically a question about what he communicated with
8 legal counsel, so I'm instructing him not to answer the
9 question.

10 MR. McCORMACK: Well, here's how privilege
11 works, at least in my world. You have the person who
12 communicated, the lawyer who was involved, and the general
13 subject matter of the communication, which is maintained
14 in confidence, and that makes it privileged so long as it
15 was of a legal nature. I asked him whether or not he had
16 spoken on the general subject matter of whether or not the
17 Osage Minerals Council should be the only party
18 communicating with Enel on a go-forward basis at this
19 time. That's what I asked.

20 MR. PIPESTEM: And that same question I would
21 instruct him not to answer because that would violate the
22 attorney-client privilege.

23 MR. McCORMACK: So although Mr. Waller informed
24 my client to communicate only with the Osage Minerals
25 Council, you're not going to let him answer the question

1 Q In 2018?

2 A Yes.

3 Q Did he run for reelection or no?

4 A Yes.

5 Q Okay. And he didn't win, I take it?

6 A Correct.

7 Q All right. And what do you recall

8 Mr. Cheshewalla saying to you either at this Osage

9 Minerals Council meeting or at any other time with regard

10 to the prospect of potentially addressing the consequence

11 of wind farms being here to stay?

12 MR. PIPESTEM: Objection. Those communications

13 were part of deliberation between Minerals Council and

14 legal counsel in the midst of litigation in federal court.

15 I'm instructing the witness not to answer.

16 MR. McCORMACK: He just said -- we've just
17 testified and established that at this meeting there were
18 no lawyers that were representing Osage Minerals Council
19 in this litigation present.

20 A No, that's not the question you asked.

21 Q (BY MR. McCORMACK) What did Mr. Cheshewalla say
22 at this meeting with regard to any aspect of wind power?

23 A Just exactly what the minutes say he said.

24 Q And how long did he speak?

25 A Very short.

1 Q Do you read that and do you recall that to be a
2 follow-up to issues that Mr. Cheshewalla was raising?

3 A Yes, I believe it complemented it.

4 Q All right. Do you recall whether or not
5 Mr. Redcorn made any particular suggestions or had any
6 particular ideas about how to keep options open in the
7 renewables space on a go-forward basis?

8 A No specifics.

9 Q Okay. At any time after this, do you recall
10 having a conversation with Mr. Cheshewalla or Mr. Redcorn
11 on the issue of whether or not the Osage Minerals Council
12 should consider options for renewable energy on a
13 go-forward basis?

14 MR. PIPESTEM: Objection. That question calls
15 for discussions that happened in the context of
16 litigation, including the attorney-client privilege. I'm
17 instructing the witness not to answer the question.

18 Q (BY MR. McCORMACK) I'm not talking about
19 anything having to do with the Enel case. I'm talking
20 specifically about whether at any point in time,
21 Mr. Waller, you recall having a conversation with
22 Mr. Cheshewalla or Mr. Redcorn with regard to the
23 generalized topic of whether or not renewable energy
24 should be something that the Osage Minerals Council should
25 look into as a prospect for future consideration or

1 development?

2 MR. PIPESTEM: Objection. I'm instructing the
3 witness not to answer that question. It calls for issues
4 associated directly with this litigation, so that's
5 covered by attorney-client privilege and deliberation of
6 an elected body called the Osage Minerals Council.

7 MR. McCORMACK: Let me get your most recent
8 instruction understood. If Mr. Cheshewalla and Mr. Waller
9 had a conversation generally about the prospect of wind
10 development or renewable development in Osage County for
11 the future, your view, even though lawyers weren't present
12 for the conversation, is it would be privileged because of
13 litigation between Enel and Osage Minerals Council; is
14 that right?

15 MR. PIPESTEM: No, that's not my position.

16 MR. McCORMACK: Okay. That's the question I
17 asked, so why are you instructing him not to answer?

18 MR. PIPESTEM: You asked a question. I'm
19 telling you I object for different reasons.

20 MR. McCORMACK: No, you instructed him not to
21 answer my question.

22 MR. PIPESTEM: That's correct, that's correct.

23 MR. McCORMACK: If you had -- if you had an
24 objection about whether or not I strayed into privilege,
25 you could've inquired into that, but instead you

1 instructed him not to answer my question, and I want to
2 know on what basis did you do that?

3 MR. PIPESTEM: On the basis of attorney-client
4 privilege. If you want me to explain.

5 MR. McCORMACK: No, I don't, because your theory
6 is if you talk about wind power it's privileged, which is
7 beyond my comprehension. But let me ask a different
8 question, and let's see if I draw another one of these
9 objections and instructions not to answer on things that I
10 don't think are even remotely privileged, but let's see.

11 Q (BY MR. McCORMACK) Did you have a conversation
12 at any time with Mr. Cheshewalla or Mr. Redcorn in this
13 timeframe, 2015 or anytime thereafter, on the general
14 subject matter of whether or not it made sense for the
15 Osage Minerals Council to look into the prospect of
16 renewable energy taking place somewhere on the Osage
17 Mineral Estate?

18 A For any company, not just yours?

19 Q Yes, sir, especially not mine.

20 A Well, I don't know. You're the one we were
21 having to deal with thinking.

22 Q Understand, but the answer is yes, any company.

23 MR. PIPESTEM: I'm instructing the witness not
24 the answer to the extent that any answer involves
25 communications related to Enel or any affiliated

1 companies.

2 Q (BY MR. McCORMACK) Mr. Waller, you're up.

3 A In executive.

4 Q Okay. So you had conversations about the
5 prospect of renewable energy in Osage County in executive
6 session; is that right?

7 A I said that when I started talking.

8 Q What was the nature of those conversations?

9 MR. PIPESTEM: Objection. That is a -- I'm
10 instructing the witness not to answer about the
11 deliberations with legal counsel.

12 MR. McCORMACK: Fair point.

13 Q (BY MR. McCORMACK) In the conversations that
14 you -- well.

15 MR. McCORMACK: You have a very broad net,
16 Counsel.

17 MR. PIPESTEM: Counsel, you continue to ask
18 questions that are clearly within the privilege. I mean,
19 some of these aren't hard. I understand we may disagree
20 on the margins here, but this is right at the heart of
21 their communications.

22 MR. McCORMACK: I asked only about
23 communications with people other than Enel, and the answer
24 was yes, that there were communications with others other
25 than Enel in executive session. Then I asked what was the

1 MR. PIPESTEM: I agree.

2 MR. McCORMACK: Let me ask this question.

3 Q (BY MR. McCORMACK) You said -- I asked you
4 about Mr. Cheshewalla and I asked you about Mr. Redcorn,
5 and there are obvious statements about wind power in this
6 2015 Osage Minerals Council meeting, yes? I've asked you
7 about that. Fair enough so far?

8 A The answer is yes.

9 Q You've told me what you could about those
10 discussions, which is what you've already testified to.
11 And then I asked if you ever had any further conversation
12 not involving Enel about the development about renewable
13 power, generally, in the Osage Mineral Estate. And you
14 said yes, you had that conversation at executive council.
15 Am I right so far?

16 A With my councilmen. I didn't talk to a company.

17 Q Okay, with your councilmen. In the
18 conversations that you had with Mr. Cheshewalla and
19 Mr. Redcorn, did those take place after this meeting of
20 2015 or at any other time beyond this 2015 meeting?

21 A Executive session.

22 Q Okay. So the answer to that question, I guess,
23 is yes, that it did occur but it occurred in executive
24 session; is that right?

25 A Yes.

1 Q What was the context of those discussions? Did
2 it involve litigation with my client Enel?

3 MR. PIPESTEM: Objection. You're asking him to
4 make statements about conversations that he just said were
5 privileged and as a part of an executive session of the
6 Osage Minerals Council.

7 MR. McCORMACK: Okay, you're saying that if they
8 had a conversation about the future of renewable power in
9 Osage County in an executive session you're going to
10 instruct him not to answer whether it involved litigation
11 or not, correct?

12 MR. PIPESTEM: In this circumstance that
13 involves litigation, the future of wind energy, yes, is
14 related to this lawsuit.

15 MR. McCORMACK: I don't know if you were at that
16 meeting or not, but it's really not for you to say whether
17 they involved it. This is really for this witness to say,
18 so let's ask that question.

19 Q (BY MR. McCORMACK) In this executive session in
20 which you had conversations with either Mr. Cheshewalla or
21 Mr. Redcorn about the future of potential renewable energy
22 in Osage County, was litigation counsel present for those
23 meetings?

24 A Yes.

25 Q Okay. Did the subject matter of those

1 instruct if need be, but you've never had a conversation
2 with Mr. Cheshewalla or with mister -- excuse me.

3 MR. McCORMACK: Put my document back up,
4 Mr. Concierge.

5 Q (BY MR. McCORMACK) You've never had a
6 conversation with Mr. Cheshewalla or Mr. Redcorn on the
7 issue of the renewable prospects for Osage County and
8 Osage Mineral Estate other than in executive session and
9 other than when your counsel was present for this case; is
10 that right?

11 A That's correct. I had to be in front of my full
12 Council or whoever is present for the quorum.

13 Q Okay. Do you know if anybody in the audience or
14 anyone else commented in this 2015 meeting on the
15 statements that were made by Mr. Cheshewalla and
16 Mr. Redcorn with regard to the options for renewable power
17 in the future in Osage County?

18 A The minutes reflect they did.

19 Q And that would be Mr. Connor. Anyone else?

20 A The minutes reflect what happened.

21 Q All right. "Councilman Yates states that he is
22 firmly against the wind industry and he is against any
23 kind of negotiating with them." Do you see that?

24 A Yes, I did.

25 Q And that was a position he consistently held?

1 MR. PIPESTEM: Objection. Calls for
2 communications that were part of this litigation, and so
3 I'm instructing the witness not to answer the question.

4 MR. McCORMACK: You're instructing the witness
5 not to answer the question of whether Councilman Yates
6 consistently took the position that he was firmly against
7 the wind industry and against any kind of negotiating with
8 the wind industry?

9 MR. PIPESTEM: That's not the question that you
10 asked.

11 MR. McCORMACK: I thought it was.

12 Q (BY MR. McCORMACK) In any event, this position
13 that Mr. Yates took at this meeting that he is firmly
14 against the wind industry and is against any kind of
15 negotiating with them, was that a position that was his
16 consistent position, from your observations and
17 understandings, in connection with your dealings with the
18 Osage Minerals Council?

19 MR. PIPESTEM: Objection. I'm instructing the
20 witness not to answer the question. Communications
21 between Councilman Yates and Councilman now Chairman
22 Waller involving litigation and any kind of negotiations
23 with other parties, particularly Enel, was a part of an
24 attorney-client communication and deliberation among the
25 Tribal Council -- pardon me, the Minerals Council, so

1 ten minutes from now?

2 THE WITNESS: Thank you.

3 THE VIDEOGRAPHER: Off the record at 4:22 p.m.

4 (BREAK FROM 4:22 TO 4:33)

5 THE VIDEOGRAPHER: Back on the record at

6 4:33 p.m.

7 Q (BY MR. McCORMACK) Welcome back, Mr. Waller.

8 A Thank you.

9 MR. McCORMACK: One thing I wanted to say before

10 we proceeded to this section is that I have spoken to

11 Mr. Pipestem about an issue that he and I have been

12 talking about throughout the day, which is I have a series

13 of questions that relate to leases and sandy soil permits

14 and waivers that cover a variety of periods of time,

15 including a period of time before November 21, 2014.

16 Mr. Pipestem has advised me that if I were to ask any

17 questions about those subject matters prior to

18 November 21, 2014, he would instruct the witness not to

19 answer those questions for the reasons that he has stated

20 previously on the record today. I have told him that I

21 don't agree with that, that I object to it, and I reserve

22 my rights relative to it.

23 But to save us the gymnastics of having that

24 fight on the record, I will agree to proceed on a period

25 of time that is post November 21, 2014 so as to avoid a

1 case-by-case instruction while reserving all my rights.

2 Mr. Pipestem, anything you want to add to that?

3 MR. PIPESTEM: No.

4 Q (BY MR. McCORMACK) All right, so let me show
5 you what has been marked as, it's tab 30, I believe we're
6 already marked it as plaintiff's 165, so let's go back to
7 that one for a second. This is the August 19, 2015 OMC
8 minutes. On page four under the item ODOT, maybe you want
9 to blow that one up.

10 You'll see it says here that someone is at the
11 Osage Minerals Council's meeting on August 19, 2015 from
12 the ODOT, which I read to mean the Department of
13 Transportation in Oklahoma. Is that a fair presumption on
14 my part, Mr. Waller?

15 A Yes.

16 Q All right. And he talks that the department has
17 a lot of work in Osage County over the next several years.
18 I know that historically there had been arranged between
19 OMC and the DOT, but here he states that there is
20 \$42 million in bridgework and some road work underway. He
21 proposes a memorandum of understanding to provide the
22 Minerals Counsel with the projects they have coming up.
23 Do you see that?

24 A Yes.

25 Q Was this the first time that you understand that

1 JURAT

2 USA and Osage Minerals Council vs. Osage Wind, et al.

3 I, EVERETT WALLER, do hereby state under oath
4 that I have read the above and foregoing deposition in its
5 entirety and that the same is a full, true and correct
6 transcription of my testimony so given at said time and
7 place.

8

9

10

Signature of Witness

12

13

14 Subscribed and sworn to before me, the
15 undersigned Notary Public in and for the State of Arkansas
16 by said witness, EVERETT WALLER, on this _____day
17 of _____, 2021.

18

19

20

21

NOTARY PUBLIC

22

23 MY COMMISSION EXPIRES: _____

24

JOB NO. 151610

25

1 C E R T I F I C A T E

2 STATE OF ARKANSAS)

3) SS:

4 COUNTY OF WASHINGTON)

5 I, Mike Washkowiak, Certified Court Reporter
6 within and for the State of Arkansas, do hereby certify
7 that the above-named EVERETT WALLER was by me first duly
8 sworn to testify the truth, the whole truth, and nothing
9 but the truth, in the case aforesaid; that the above and
10 foregoing deposition was by me taken and transcribed
11 pursuant to agreement, and under the stipulations
12 hereinbefore set out; and that I am not an attorney for
13 nor relative of any of said parties or otherwise
14 interested in the event of said action.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and official seal this 11th day of August, 2021.



19 MIKE WASHKOWIAK, CCR

20
21 State of Arkansas, No. 654
22
23
24
25